1878.
(L.R.)

File No. 4.
Serial No. 6-11

Subj: Sale of the lands of Venkanna of Aimareddihalli in the Sivavasapura Taluk for Arrears of Kandayam

G. R. S. 58]

Previous references.

1878
~~191~~ .
(L. R.)

File No. 4

Serial Nos. 6 – 11.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 6 to 11.

cc. ~~Part B~~ for

SUBJECT.

Sale of the lands of Venkanna of Ainareddihalli in the Srinavaspur Taluq for arrears of Kandayam.

Mirza Nazeer Hussain

(Retired)

W D 1351—GPB—20,000—13-12-15

22

L. R
4-78
6

Genl. 783
77
R 5. 6. 1879

Official Memo:

The marginally noted 7 petitions received at the Chief Commissioner's office, are forwarded to the Deputy Commissioner of the Kolar District for disposal.

"By order."

TS
for Secy.

7
Nos 110, 363, 377 with 1655, 394 & 466 with 231

2

To

The Deputy Commr of Kolar

E. R
4-78
b

Dy Despt 5/6 June 1878

Encl: 7 Petitions

Jeerga No 783

Forwards for disposal Petitions
of Nos 310, 363, 377 with 165, 394
and 466 with 231.

5-6 June 1878

Yours &c

~~1879~~ 1880. F. No. 153
F. 37

From The Deputy Commissioner
Kolar District

To
Secretary to Chief Commissioner,
Revenue ~~General~~ Department.

Dated 9th Dec.
Despatched 10th Dec. 1879.
Received 11th Dec.

Enclosures No. 1

General No. 445
No. 278 } 1879-80.

I have the honor to return petition No. 110 received for disposal with the Revenue Secretary's Memo: No. 783 of the 5th Instant, F. 277 as the petitioner prays for an order in a case of appeal made by him to the Chief Commissioner regarding the sale of his property for the arrears of revenue due by him.

Deputy Commissioner
Kolar District

11.6.79

Reference
T.C. filed -

12.8.79

in the subject of the sale of his property & Petitioner has preferred his appeal in due course to the Judicial authorities - The Dept. (revenue) is urged to expect whether any arrears are still due by the Petitioner and for what years, and what is the present extent whether he continues to hold any lands and what was the extent of land he held - The Dept. (revenue) Government does not ~~specify~~ explain in what manner the Petitioner complaint was disposed of

26/6.

1879. 25

From The Revenue Secy to the Chief Comm

To The Dy Comm Kolar Distrt

L.R 4-78 8

Dated ~~29th June~~ 4th July } 1879
Despatched 4th do. }
Received

ENCLOSURES NO.

General No. 1226
R. No. 249

His letter No 445/278 dated 9th June 1879. Petition of the Patéim of Venkunnish of Symardakulli village - Devanhalli Taluk.

With reference to the above. Requests the Dy Comm to report whether any arrears are still due by the Petitioner and for what years and what are his present circumstances - whether he continues to hold any lands and what was the extent of land he held - Under Comm's Endorsement dated 14th Feby 1879. proceed of the Petitioner does not explain in what manner the complaint was disposed of.

Revenue Secy.

DS
27/6

Revn. 1876 1710
821

From

The Dy Commissioner
Nolar District.

To

Secretary to Chief Commissioner,
Revenue ~~General~~ Department.

Dated 2nd July 1879
Despatched
Received 10

Enclosures No.

General No. 635 | 1879—80.
No. 192

In Revenue Reg.ys No. 1826 of the 2nd Instant making certain enquiries concerning the arrears due by Venkanna Simarad i hallin Heriwar per Talik.

In reply, has the honor to report, that arrears amounting to Rs. 161—10—11 are still due by Venkanna for the years 1876-77, 1877-78 and 1878-79 as particularized in the margin. His present circumstances are bad his property having been partly sold in satisfaction of Civil decrees and partly otherwise disposed of by himself with the exception of a house of an estimated value of Rs. 80— He holds —

Lands

10-7-79
TS
Returned

To Revenue Secretary
10-7-79
TS

L. R
4-78
9

1876-77 Rs. 12—1
1877-78 " 8—9
1878-79 " 9—4
Rs. 161—11

2 Lands paying an assessment of Rupees 187-6-7
but now only holds lands assessed at Rs.
Rupees 19-8-- having resigned the remainder.

2. After the Jamabandi of the Talukas
completed the petitioner applied to the
Dy. Commissioner for the remission of
the assessment due by him, but in the en-
-dorsement dated 16th February 1879 and passed
to in the Revenue Secretary's docket under reply,
the petitioner was told that he must abide
by the Jamabandi Settlement which was
made after hearing the Complaints of the
parties who presented themselves at that
time. In other words, the petitioner ought to
have made his representation at the time
of the Jamabandi, but as he failed to do
so, the settlement already made could not
be disturbed. There are hundreds of cases
of this kind, but the Dy. Commissioner
considers it advisable to leave all such
questions to be settled at the ensuing
Jamabandi.

[signature]
Deputy Commissioner
Kolaba 21st [illegible]

J.A.

Read :—

22

Docket from the Dy. Commissioner of the Kolar Distt, No. 635/192 dated the 9th July 79, reporting on the petition of Venkannah of Amareddihalli in the Srinivaspur Taluk in regard to the sale of his lands for arrears of Kondayam.

Gen. Dr 1490 dt. 17 July 79
R. 291

L. R
4-78
10

Order thereon.

The Petitioner's moveable property was sold in ~~last year~~ on account of a portion of the arrears due by him for the famine years Dhatu & Eeswara. His circumstances do not appear to have received any consideration in the last Jamabandy Settlement as he was then absent, though this does not seem a sufficient

15/7 June 1878

reason for not instituting an enquiry into the individual cases of arrears. The Petitioner now states that what remained out of his lands after relinquish-ment have all been sold in June last, /1879./ Whereas the Dy. Commr. reports that he is still in possession of lands assessed at Rs. 19.8.0. Probably the sale has not yet been confirmed by the Deputy Commr. If so, this be the Dy. Commr. is requested to cancel the same, and to hold over the arrears due by the Petitioner for remission during the next Settlement. There

sale could not have received the Dy. Comrs sanction had the Amildar represented the real circumstances of the case. There appears to have been, on the whole, a gross failure on the part of the Amildar to bring the facts of the case to notice, which led to what must be regarded as a harsh and inconsiderate treatment of the Petitioner.

CM

Rev: Secty.

To. The Dy. Commissioner
Kolar District

D

To

The Deputy Comm^r of Kolar

17th June 1875

Sir:

General No 1490
R. 291

Communicates orders on the Petn of Venkamma of Amanaddibetta, Srinivaspur Taluk in regard to the sale of his lands for arrears of Kandayam.

Petn dated 18th June 1875

Received 20/6/75

403/212

1879. 31 193. 67

From The Deputy Commissioner Nellore District

To

Secretary to Chief Commissioner,
Revenue ~~General~~ Department.

Dated 1879

Despatched

Received 21

Enclosures No. Copies of 4 letters

General No. 703 / No. 212 } 1879—80.

The Chief Commissioner's Proceedings No. 1491 of the 17th instant communicating orders on the petition of Venkanna of Dimmasadipally of this District for Sabeki in respect to the sale of his property for arrears of Kundayam.

With reference to the remarks that the petitioner's property was sold in June 1878 on account of a portion of the arrears due by him for the nine years' Dhatoo (1876-77) and Swara (1877-78), the undersigned begs to state, that the property was sold not for the arrears of revenue, but in execution of a Civil decree passed by the Cuddapah District Moonsiff's Court, and out of the sale proceeds the said Moonsiff has, according to the Amildar's Application

21.7.79
Reference to

To Rev. Secy
23.7.79

Send up all
Reference on
the subject of
cent sales
AG

1879

to him remitted to the Divisional Pur Sale Treasury Rupees 60—3—6 in part payment of the Kandayam due by Veu Kanna.

2. Out of the property sold in pursuing by the Revenue authorities the sale of the land was not Continued by the Deputy Commissioner as the petitioner verbally represented to him that he would at once pay the Assessment due for the past year, if grace was allowed to him till the next crop for the arrears of previous years, and requested that some of the lands, resigned by him may also be given back to him. Orders have been accordingly issued, that the undersigned pays that these Concessions though shewn by Government to Veu Kanna are not likely to enable him to keep his lands and any other property he now has, as he is much involved and they may be sold in satisfaction of Civil decrees.

3. It may not be out of place to bring to the Chief Commissioner's notice the amount of injury done to the Ryots by the sale of their lands and Corn by the Civil Courts without reference to the District Officer. A copy of correspondence between the undersigned and the late Commissioner on the subjects of the sale by Civil Courts of Ryots property and of Charitable Trusts is herewith submitted for the Chief Commissioner's Consideration as no final orders thereon have yet reached this Office.

O. Krishnaya

Deputy Commissioner

Nandidrug.

F.R.

Deputy Commr's Office
Kolar District

No 1916
536

Encl. to Kempab Karavani
dt. 7th November 78.

To
The Commissioner
Mysore Division.

Sir,

I have the honor to submit the following case for your orders.

2. One Bhumanahalli Papigah resiling at Chikballapur obtained a decree in Original Case No. 319 of 1876 on the file of the Moonsiff's court Chintamoney Sub Division, against one Soobroyappa of Kundalgurki Siddaghatta Taluk and in execution of this decree, a Topa or Grove of 300 fruit trees planted by the latter (defendant) on a piece of Government land and a few fruit trees also planted by him amongst other trees in a village Topa were sold for Rupees 14 — —. The Certificate granted by the Court to the auction purchaser having been produced before the Sub Registrar Siddaghatta for registration, this Officer has applied to me for orders as to whether

whether the sale of such charity and village community topes for which lands have been granted rent free may be recognized. I would answer the question in the Negative as by acknowledging the right of any person for such topes planted for the benefit of the public on unassessed Government lands, the Country will soon be denuded of trees for planting which we are taking so much trouble. This case is one of the several instances which have been brought to my notice of the Court Sales being so ruinous to the ryots and it appears to me to be necessary that steps should be adopted to prevent this growing evil.

3. Under the above circumstances, I respectfully beg to suggest that a law may be passed exempting from attachment and Sale the Charity works such as Chattrams, Mantaps, Wells and Topes or trees planted by private individuals for the benefit of the public, the present Law authorizing the sale, in execution of decrees, of right, title and interest of a person

in

in such works being quite Contrary, not only to the established Customs of the Country but also to the intention of the founder of the Charity.

I have &c.
Sigd/ B. Krishnaiyar
Deputy Commissioner
Kolar Distt.

Mandya Division
Commr's Office
Bangalore 8th Feby 1879.

No. 650.

To The Dy Commissioner -
Kolar District.

Sir,

I have the honor to acknowledge the receipt of your letter No. 1916/536 of the 4th November last, in which you refer for instructions the question of Allowing the existing law or practice as to the liability to attachment and sale by a Civil Court of the right, title and interest of judgment debtors in respect of immovable property of the nature of Charitable works, such as Chattrams, Mantaps, Wells and topes, held by individuals for the benefit of the public at large.

2. You instance a recent case, in which the interest of a judgment debtor

debtor in a tope of 300 trees, planted on Government land, and in some other trees planted in the village topes, having been sold in execution of a Civil Court's decree, and you propose I understand that the application of the auction purchaser to register the Court's certificate at the Office of the Sub Registrar should be rejected, on the ground that the interest in question was not alienable.

3. In regard to Chattrams for which grants have been made by Government on condition of the buildings being held available for the use of the public the Chief Commissioner has, in his Proceedings No. 10539 dated 1st March 1878, in R 61 prescribed the course to be followed in order to secure the fulfilment of the conditions of the grant.

4. In the case of Charitable topes, the instructions laid down by the Chief Commissioner cannot be usually applied, I presume, as in frequent cases such Topes are not held on grants of land, and in any case the new owner would be free to destroy the Topes by

felling

felling and selling the timber for his own profit, regardless of the public injury.

5. To prevent this it might be expedient for Government to assume the possession of all such topes, but before recommending this course for the consideration of the Chief Commissioner, I would ask you to ascertain, after reference to the grantors on which these topes are ordinarily held, whether such a proceeding would be consistent with the rights of present owners, and whether their consent to this arrangement would be generally obtainable.

6. In regard to village topes, it would be quite practicable I conceive for the Government to assume an absolute right of property over them, subject to an assignment of the produce to those who plants them, or to the village community generally. I beg to be informed of your opinion on this point also.

I have &c.
(Signed) H. Y. Clarke
Offg. Commissioner

Wy Comm[r]'s Office
Nilgiri District
Cowpal Hormiscandra 12th Feby 1863.

No. 2165.
Dated 13th Feby 1863.

In

38

To

The Commissioner

Nawyday division.

Sir,

In reply to your letter No. 650 dated 8th Instant, I have the honor to submit that in my opinion, the public Topes will be sufficiantly protected if all those planted on Government lands for which no assessment is paid or for which no special grant was obtained, be declared to be public property and not in any way alianable and their planters' right limited to the decayed trees which is all they are, as a rule, allowed to take on the condition of planting nawons instead of those dried. If any enjoys the produce of such Topes either planted by himself or by his ancestors, he is considered to have done so simply as a member of the public for whose benefit these charitable Topes are planted and any enquiry as to the consent to the proposed arrangement of the person who planted them or of his representatives might,

might, I fear, be misconstrued that
they are recognized by the Government
as private property, I would not acknow-
ledge the exclusive rights of anyone to
enjoy the produce of such Topes as it
would then be tantamount to an
Inam Grant - Produce of many of
these Topes is sold by public auction
annually and the Government derives
under the head "Amroy" a large amount
of revenue which would be affected
if we allow the right of any party
to enjoy the produce free.

I have &c.

(Signed) B. Krishniengar
Dy Commissioner
Kolar Division

"True Copies"

B. Krishniengar
Dy Commissioner
Kolar Division

J.R.

No. 25.
5.

Deputy Commissioner's Office
Nolan District
Nolan 2nd April 1879.

To
The Commissioner
Kandyan Division.

Sir,

I have the honor to bring to your Notice, that whenever crops or grain belonging to a cultivating ryot has, as an extreme measure to be sold in satisfaction of arrears of Government revenue, a moderate portion thereof just sufficient for the maintenance of his family and for seed for his land is kept to the ryot, whereas the Civil Courts attach and sell the whole of such crops or grain without leaving any thing for him, on the ground, that Section 266 of the Civil Procedure Code does not exempt such crops or grain from attachment and sale. This I think is contrary to the Spirit of the Section referred to, as it is therein clearly laid down that implements of husbandry & a sufficient number of ploughing

Cattle

Cattle should not be
execution of civil de
latter soon will be
if all the rayots grain is
he is allowed to starve.

2. Instances have also co
my notice wherein even unth
stacks of corn have been under
valued and sold by order of civil
courts to the ruination of the ryots
concerned and frequent clashings
have occurred between the revenue
and civil authorities, the former
claiming a priority of right to sell
such crops for the Government land
revenue and the latter for the civil
decrees.

3. I therefore beg to suggest that
ruling may be favored in this
ter having for its object the
sion of the interests of the peasantry
Government.

I have &c
Signed by Krishnaiyar
Dy Commissioner

y"